

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Pending before the court is pro se Plaintiff Philip Foster’s Application to Proceed In Forma Pauperis (ECF No. 1). The “privilege of pleading in forma pauperis . . . in civil actions for damages should be allowed only in exceptional circumstances.” *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986) (citing *Weller v. Dickson*, 314 F.2d 598, 600 (9th Cir. 1963)). A court has discretion in denying an application to proceed in forma pauperis. *Weller*, 314 F.2d at 600. The affidavit indicates that Plaintiff has a monthly income of \$1700 in wages plus a pension of unspecified amount, that Plaintiff’s monthly expenses are \$1360, that Plaintiff’s debts total \$500, and that Plaintiff has \$10 in a checking account. The Court denies the motion. Even without considering Plaintiff’s pension, Plaintiff appears to be in a position to pay the \$350 filing fee.

111

23 | //

24 | //

25 //

CONCLUSION

IT IS HEREBY ORDERED that the Application to Proceed In Forma Pauperis (ECF No. 1) is DENIED.

IT IS FURTHER ORDERED that the Clerk shall close the case.

IT IS SO ORDERED.

Dated this 6th day of March, 2013.

ROBERT C. JONES
United States District Judge